

**SUMMARY OF TELEPHONIC INTERVIEW**

Applicant thanks the Examiner for the courtesy of a telephonic interview on March 17, 2008. The following summary is to provide a complete and proper recordation of the substance of the interview:

- (A) no exhibit was shown nor any demonstration conducted;
- (B) claims 4 and 47 were discussed;
- (C) no specific prior art was discussed;
- (D) applicant proposed amending claims 4 and 47 to place them independent form including all limitations of the base claim and any intervening claims and amending the specification to remove the description of machine readable as including signals;
- (E) applicant pointed out that claim 4 was similar to claim 17 and that there was no specific rejection of claim 4 in the outstanding Action; applicant asked if amending the specification to remove the description of machine readable as including signals would overcome the outstanding rejection of that claim under 35 U.S.C. 101;
- (F) no other pertinent matters were discussed;
- (G) the Examiner agreed that claim 4 appeared allowable if placed in independent form and that amending the specification should overcome the outstanding rejection of claim 47 under 35 U.S.C. 101; and
- (H) no part of the interview was conducted via electronic mail.

**REMARKS**

This Amendment is in response to the Final Office Action mailed 01/24/2008. Applicant respectfully requests entry of the amendments to place the case in condition for allowance.

***Rejection Under 35 U.S.C. § 101***

The Examiner rejects claims 37-51 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter, since the claimed subject matter "machine-readable medium" is directed toward a signal per se.

Applicant has amended the specification so that the description of "machine-readable medium" is not directed toward a signal per se.

Applicant respectfully requests that the Examiner withdraw the rejection of claims 37-51 under 35 U.S.C. § 101 as lacking patentable utility.

***Rejection Under 35 U.S.C. § 102***

The Examiner rejects claims 1-3, 6-15, 18-20, 26-30, 32-45, 51-55, and 57-58 under 35 U.S.C. § 102(e) as being anticipated by Nishikado (US 6,366,582).

Applicant has amended independent claims 1, 9, and 44 to include the limitations of claim 4, 17, and 47 and any intervening claims to place these claims and the claims that depend therefrom in condition for allowance as discussed below. All other claims have been cancelled.

Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-3, 6-15, 18-20, 26-30, 32-45, 51-55, and 57-58 under 35 U.S.C. § 102(e) as being anticipated by Nishikado.

***Rejection Under 35 U.S.C. § 103***

The Examiner rejects claims 16, 31, 46, 50, and 56 under 35 U.S.C. § 103(a) as being unpatentable over Nishikado in view of Morris et al. (US 6,275,493).

Claims 16, 46, and 50 depend from claims which have been amended to place them in condition for allowance as discussed below.

Claims 31 and 56 have been cancelled.

Applicant respectfully requests that the Examiner withdraw the rejection of claims 16, 31, 46, 50, and 56 under 35 U.S.C. § 103(a) as being unpatentable over Nishikado in view of Morris.

***Allowable Subject Matter***

Applicant notes with appreciation the Examiner's indication of allowable subject matter. The Examiner objects to claims 17 and 21-25 as being dependent on a rejected base claim, but indicates that the claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has amended independent claim 9 to include all of the limitations of dependent claim 17 and any intervening dependent claims and cancelled claim 17. Applicant respectfully requests that independent claim 9 and all claims that depend therefrom be allowed.

Claim 4 is similar to allowed claim 17 and that there is no specific rejection of claim 4 in the outstanding Action. Applicant has amended independent claim 1 to include all of the limitations of dependent claim 4 and any intervening dependent claims and cancelled claim 4. Applicant respectfully requests that independent claim 1 and all claims that depend therefrom be allowed.

Claim 47 was rejected under 35 U.S.C. §101. Applicant believes this rejection is overcome by the amendment to the Specification as discussed above. Applicant has amended

independent claim 44 to include all of the limitations of dependent claim 47 and any intervening dependent claims and cancelled claim 47. Applicant respectfully requests that independent claim 44 and all claims that depend therefrom be allowed.

***Conclusion***

Applicant reserves all rights with respect to the applicability of the doctrine of equivalents. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,  
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